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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,340	09/24/2003	Keiichiro Yoshihara	C14-161470M/TRK	4401

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EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,340	Applicant(s) YOSHIHARA, KEIICHIRO	
	Examiner Dennis-Doon Chow	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, drawn to selecting and executing display symbols, classified in class 345, subclass 173.
 - II. Claims 9-17, drawn to a map display, classified in class 340, subclass 995.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as selecting different display symbols. See MPEP § 806.05(d).

3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Sean McGinn on May 10, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al. (US5638504).

Regarding to claim 1, Scott discloses an electronic equipment comprising: a display unit configured to display a first symbol indicating a control object and a second symbol indicating details of a control in a predetermined display position (col. 16, lines 57-67), respectively; a selection unit configured to select at least one of the first and the second symbols displayed on the display unit in response to an instruction operation; a movement unit configured to move the display position of the selected symbol in response to a movement operation; and a control unit configured to execute the details of the control corresponding to the second symbol with respect to the control object corresponding to the first symbol in response to an execution operation (col. 16, lines 57-67).

Regarding to claim 2, Scott's control unit executes the details of the control when the control unit detects that the display position of the first symbol overlaps the display position of the second symbol at a time the movement operation has stopped.

Regarding to claims 3-4, Scott further discloses a touch sensor configured to detect a touch position in response to a touch of a display screen of the display unit (col. 3, lines 52-54). The selection unit inherently selects the first and second symbols in response to the touch of the display screen, and the movement unit inherently moves the display position of the selected symbol in response to the movement operation in which the touch being slid on the display screen.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al in view Astala et al. (6943778).

Scott does not disclose selecting one of the first and second symbols when the display screen is touched for a predetermined time period.

Astala, in the same input display field, disclose simulating a mouse click when a display screen is touched for a predetermined time period (col. 2, lines 19-37).

In light of Astala, it would have been obvious to one of ordinary skill in the art to use Astala's timing means in Scott's selection unit to select one of the first and second

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symbols. By doing so the first and second symbols can be prevent from inadvertently activated.

9. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. (4642459).

Scott fails to disclose a light sensor configured to detect irradiation light from the display unit.

Caswell discloses a light pen comprising a light sensor configured to detect irradiation light from a display unit (see abstract).

In light of Caswell, it would have been obvious to one of ordinary skill in the art to use Caswell's light pen as an input device in Scott's electronic equipment because the light pen provides an additional writing capability.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. as applied to claims 6-7 above, and further in view of Astala et al.

The above disclosure of Scott, Caswell, and Astala applied here as well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

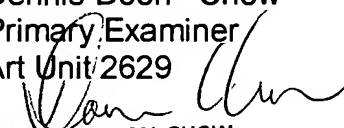
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D. Chow
May 27, 2006

Dennis-Doon Chow
Primary Examiner
Art Unit 2629



DENNIS-DOON CHOW
PRIMARY EXAMINER